

REMARKS

Minor amendments have been made to some of the pending claims to improve their clarity, and a few additional dependent claims have been added. All of the new claims are supported by the disclosure of the original application.

The examiner has rejected claim 164 under 35 USC 112, second paragraph as being indefinite. The examiner indicates that disclosure in the specification (page 29, lines 1-2) is contradictory to claim 164. The examiner is urged to reconsider and withdraw the rejection. Claim 164 requires that “no action taken by the client can change the expiration time assigned to the data item to an earlier time.” This is entirely consistent with the specification’s description of the general retention policy (e.g., paragraphs 0096 and 0100 of the published application) – the typical client is not able to change the expiration time assigned to a data item. The examiner’s reference to page 29, lines 1-2 is to a section of the specification that describes an exceptional capability whereby the general retention policy can be overridden. The fact that the software contemplates a scheme for overriding the general retention policy does not, of course, make a claim to the general retention policy contradictory! Claim 164 is entirely consistent with the general retention policy described in the specification.

The examiner has rejected claim 111 (the independent claim) under 35 USC 102 as being unpatentable over Abela combined with Bhogal. The examiner is urged to reconsider and withdraw this rejection, which is just as weak and unwarranted as the examiner’s prior rejection (now withdrawn) over Ort combined with Venkatesan.

The invention is directed to a novel method for providing higher speed execution of an application on an application server, when the application server must access a data item stored on a client that has a lower speed connection. If the application server had to access the data item at the client, the data item would need to be transmitted over the lower speed connection. The invention introduces the novel idea of allowing the application server to access the data item at a data repository that has a higher speed connection. The client determines a digital fingerprint of the data item, tests for whether the data item is already stored in the repository by comparing the fingerprint to fingerprints of data items already in the repository, and, only if the fingerprint

comparison shows that the data item is not in the repository, transfers the data item to the repository over the lower speed connection. An expiration time is assigned to the data item, before which time deletion is prohibited. Thus, in those instances in which the data item is already in the repository, the transfer over the lower speed connection can be avoided. The application server than processes the data item, using the higher speed connection to access and process the data item. Finally, at least some of the processed data is returned to the client across the lower speed connection.

Neither of the examiner's references have any relevance to the claimed invention.

Abela deals with a system that stores and processes digital images of actual human fingerprints (hence it turned up in a keyword search for "digital fingerprints"). These human fingerprints are not the digital fingerprints called for in the claim. As made clear in numerous places in the specification, the "digital fingerprints of a data items" are cryptographic hashes of the contents of the data items. Furthermore, there is nothing taught in Abela about a lower speed connection between a client and a data repository, or a higher speed connection between an application server and the data repository.

The examiner relies on Abela for the conditional transfer step of "transferring the data item only if the data item is not already present in the repository." The examiner equates this with Abela's checking of a scanned human fingerprint against a remote database of human fingerprints. This is all irrelevant to the invention because it deals with human fingerprints instead of "digital fingerprints" but it is also not a disclosure of the conditional transfer step. There is simply no suggestion of any conditional transfer in Abela.

Bhogal discloses a technique for avoiding deletion of important e-mail messages when deleting spam. The examiner asserts that Bhogal's teaching that important messages cannot be deleted until the end of a time period teaches the element of claim 111 calling for "assigning an expiration time to the data item, before which time both modification and deletion are prohibited" (after the amendment made herein). The claim element in question is clearly not taught by Bhogal. The only thing in common between Bhogal and the claim element is the idea of not deleting something prior to a specified time.

Accordingly, claim 111 is allowable over the art of record.

The remaining claims are all properly dependent on claim 111, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 3, 2007

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

/grogerlee/

G. Roger Lee
Reg. No. 28,963